

#4



PATENT
ATTORNEY DOCKET NO.: 056289-5001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Richard M. CARLTON et al.

U.S. Application No.: 10/509,285

Group Art Unit: Unassigned

International Appln. Filing Date: March 26, 2003

Examiner: Unassigned

Date of National Stage Entry: September 24, 2004

For: USE OF OXYGENATING AGENTS TO ENHANCE HOST
RESPONSES TO INFECTIONS AND TO IMPROVE THE IN
VIVO EFFICACY OF ANTIMICROBIALS

MAIL STOP PCT

Commissioner for Patents

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS
UNDER 35 U.S.C. § 371 IN THE U.S. DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. This replies to the Notification of Missing Requirements (Form PCT/DO/EO/905) mailed April 27, 2005.

A copy of the Notification of Missing Requirements (Form PTC/DO/EO/905) is enclosed.

2. Declaration Or Oath

- ☒ No declaration or oath was filed. Enclosed is the original Combined Declaration and Power of Attorney.
- ☐ The specification attached to the declaration is a copy of the specification and any amendments thereto which were filed in the PTO to obtain the filing date.
- ☐ The declaration or oath which was filed was determined to be defective. A new original Combined Declaration and Power of Attorney is attached.

3. English Translation of Non-English Language Papers

☐ Submitted herewith is a verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the PTO.

☐ Also enclosed is the Verification of Translation Document

4. Small Entity Statement(s)

☒ A statement claiming small entity status under 37 C.F.R. §1.27 is asserted for the present application.

5. Fee Calculation

			Basic Fee: PCT Application-\$300.00	
	Number Filed	Number Extra	at a Rate of	
Total Claims	-20 =		\$50.00 each=	
Independent Claims	- 3 =		\$200.00 each=	
Multiple dependent claim(s), if any			\$360.00	
Missing Requirements Surcharge Fee			\$130.00	\$130.00
06/30/2005 HKAYPAGH 00000133 500310 10509285			SUB-TOTAL =	\$130.00
01 FC:2617 65.00 DA			Reduction by ½ for filing by small entity	\$65.00
			Assignment Recordation Fee	\$40.00
Fee For Application Filed With A Non-English Specification (37 C.F.R. § 1.17(k) and § 1.52(d))			\$130.00	+\$
Fee For Processing and retention of application (37 C.F.R. § 1.21(l) and § 1.53(d))			\$130.00	+\$
			TOTAL FILING FEE =	\$105.00

6. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☐ Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. §§ 1.17(a)-(d), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>Fee for Small Entity</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 430.00	\$215.00
<input type="checkbox"/> three months	\$ 980.00	\$490.00
<input type="checkbox"/> four months	\$1,530.00	\$765.00
<input type="checkbox"/> five months	\$2,080.00	\$1,040.00

Extension of time fee due with this request: \$

If an additional extension of time is required, please consider this a Petition therefor.

- ☒ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicants have inadvertently overlooked the need for a petition and fee for extension of time.

7. Fee Payment

The total fee due is:	Completion Fees (Small Entity)	65.00
	Assignment Fees	40.00
	Total Fee Due	\$105.00

- ☒ Please charge Deposit Account No. 50-0310 in the amount of **\$105.00** representing the missing parts and assignment recordation fees.

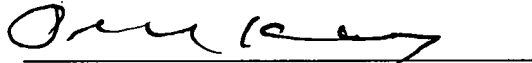
- ☒ **Except** for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R §1.16 and §1.17 which may be required, or credit any overpayment to Deposit Account No. 50-0310.

8. Additional papers enclosed.

- ☐ Form PCT/IPEA/409 (English Translation)
☐ Preliminary Amendment
☐ PCT/IB/338 English Translation of the International Preliminary Examination Report
☒ Information Disclosure Statement w/International Search Report
☒ Form PTO-1449, 6 documents as listed
☐ Declaration of Biological Deposit
☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP



Paul N. Kokulis
Reg. No. 16,773

Date: June 27, 2005

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UNITED STATES PATENT AND TRADEMARK OFFICE

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27 JUN 2005

 UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/509,285	Jeffrey E Galpin	056289-5001-US

INTERNATIONAL APPLICATION NO.	
PCT/US03/09226	
I.A. FILING DATE	PRIORITY DATE
03/26/2003	03/28/2002

 9629
 MORGAN LEWIS & BOCKIUS LLP
 1111 PENNSYLVANIA AVENUE NW
 WASHINGTON, DC 20004

CONFIRMATION NO. 3658

371 FORMALITIES LETTER



OC000000015876201

Date Mailed: 04/27/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 09/24/2004
- Copy of the International Search Report filed on 09/24/2004
- Preliminary Amendments filed on 09/24/2004
- Request for Immediate Examination filed on 09/24/2004
- U.S. Basic National Fees filed on 09/24/2004
- Priority Documents filed on 09/24/2004

Docketed 5/2/05 Attorney PNK
 Case 56289-5001
 Due Date 6/27/05
 Action Missing Req
 By LF Chk BR

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$65 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$65 for a Small Entity:

- \$65 Late oath or declaration Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

RECEIVED

MAY 02 2005

MORGAN, LEWIS & BOCKIUS LLP

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

LAMONT M HUNTER

Telephone: (703) 308-9140 EXT 201

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/509,285	PCT/US03/09226	056289-5001-US

FORM PCT/DO/EO/905 (371 Formalities Notice)